

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES TAYLOR, III,

Plaintiff,

Case No. 16-cv-14445

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

RICHARD SNYDER and KRISTIE ETUE,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S COMPLAINT FOR FAILURE TO PROSECUTE**

On December 21, 2016, Plaintiff James Taylor, III, filed a complaint naming Richard Synder, the Governor of Michigan, and Kristie Etue, director of the Michigan State Police, as Defendants. ECF No. 1. Taylor is challenging his placement on the Michigan Sex Offender Registry. All pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 4. Summons were issued for both Defendants in January 2017. ECF No. 8, 9. No further activity occurred until May 4, 2017, when Judge Morris ordered Taylor to show cause why the complaint should not be dismissed for failure to prosecute. ECF No. 10. Approximately one month later, service was effected, and Taylor responded to the show cause order. ECF Nos. 11, 12, 13. Judge Morris subsequently vacated the order to show cause. ECF No. 14.

On June 15, 2017, Defendants filed a motion to dismiss. ECF No. 15. Judge Morris ordered Taylor to respond to the motion, which he did. ECF Nos. 16, 17. On August 9, 2017, Judge Morris issued a report recommending that Taylor's complaint be dismissed to the extent it sought damages against the Defendants in their official capacities. ECF No. 18. That report and recommendation was adopted without objection several weeks later. ECF No. 19.

On September 13, 2017, Judge Morris directed Taylor to meet and confer with the Defendants no later than September 22, 2017, and scheduled the Federal Rule of Civil Procedure 16 conference for October 16, 2017. ECF No. 22. Taylor did not meet with Defendants or appear at the October 16 telephonic conference. Instead, he filed a motion for an extension of time wherein he suggested that he did not receive timely notice of the scheduled conferences because his address had changed. Judge Morris granted the motion for an extension, but also cautioned Taylor that failure to confer with Defendants could result in dismissal of his action. ECF No. 24, 25. That order was mailed to Taylor's original address and the new address he provided in the motion for an extension.

The new deadline passed without Taylor conferring with Defendants or otherwise seeking relief from the Court. On November 28, 2017, Judge Morris directed Taylor to show cause (for the second time) why this case should not be dismissed for failure to prosecute. ECF No. 27. Taylor's response to the show cause order was due December 12, 2017. He did not respond by the deadline. On January 2, 2018, Judge Morris issued a report recommending that Taylor's complaint be dismissed for failure to prosecute. ECF No. 29. To date, Taylor has not responded to the show cause order or objected to the report and recommendation.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. Because Taylor has failed to prosecute his case, the complaint will be dismissed without prejudice.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 29, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Taylor's complaint, ECF No. 1, is **DISMISSED** **without prejudice**.

Dated: January 22, 2018

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 22, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager